Case 10-44610 Doc 50 Page 1 of 2

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November 12, 2010
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
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Attorney for Movant

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO DIVISION

JAMES L. MACKLIN Chapter: 7 (Converted from Ch. 13) Case No.: SAC-10-44610-RS Debtor(s) DEUTSCHE BANK NATIONAL TRUST Docket Control No. DJB-002 **COMPANY** DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM STAY Movant, (UNLAWFUL DETAINER) VS. DATE: DECEMBER 9TH, 2010 TIME: 9:30 A.M. JAMES L. MACKLIN, Debtor, and Thomas A. CTRM: E-33 Aceituno, Trustee, JUDGE: RONALD H. SARGIS Respondents.

I, David J. Boyer, declare:

1. I am an attorney at law, duly licensed to practice in the within Bankruptcy Court, and am employed by the law firm of Robert J. Jackson & Associates, Inc. (the "Firm"), the attorney for the Movant in this case. I have personal knowledge of the matters set forth in this declaration or, as to those items which are stated on information and belief, I believe those matters to be true, and by virtue thereof I am able to make this Declaration. If called upon to testify, I could and would competently testify thereto

Case 10-44610 Doc 50 Page 2 of 2

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- 2. Among my responsibilities at the Firm is to insure that the files and records with respect to unlawful detainer proceedings conducted by the Firm with respect to various properties are maintained in an orderly fashion and are kept current. Accordingly, I am able of my own personal knowledge to identify the unlawful detainer files (and the documents with respect thereto), and the contents thereof. All writings pertinent to the unlawful detainer files are made and inserted in the files in the regular course of business, at or near the time of the act, condition, or event which is the subject of the particular writing. The sources of information vary as to each specific item but, unless otherwise noted, the source is identified on each particular writing.
- 3. The Firm represented the Movant in unlawful detainer proceedings commenced with respect to real property located at 10040 WISE RD, AUBURN, CA 95603 (the "Property").
- 4. According to information of public record available to the Firm, Movant is the legal owner of the Property; Movant acquired title to the Property at a foreclosure sale held on 12/14/2009, and perfected title to the Property within the allowable period for perfection under California State law (a certified copy of the recorded Trustee's Deed Upon Sale is attached as **Exhibit "A"**). The Firm caused a Notice to Vacate to be posted on the Property on 01/13/2010, and the applicable notice period expired thereunder (a true and correct copy of the Notice to Vacate and proof of service is attached as **Exhibit "B"** hereto). After the notice period expired, the Firm filed a Complaint for Unlawful Detainer in state court on 03/26/2010 (a true and correct copy of the Complaint is attached as **Exhibit "C"** hereto). According to information of public record available to Movant, the Debtor filed the within Bankruptcy case on 09/16/2010.

I declare under penalty of perjury according to the laws of the United States of America that the foregoing is true and correct. Executed on <u>November 12th, 2010</u> in Irvine, California.

/s/ <u>David J. Boyer</u> . David J. Boyer

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